

## Consultation

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Date released for consultation: 22 March 2012

### Consultation on a registration standard for endorsement for acupuncture

#### Summary

This consultation paper seeks feedback on a draft registration standard for endorsement for acupuncture for registered medical practitioners.

#### Background

Since 1 July 2010, the Medical Board of Australia (the Board) has been responsible for the registration and regulation of medical practitioners under the *Health Practitioner Regulation National Law Act* (the National Law), as in force in each state and territory.

From 1 July 2012, medical practitioners who wish to use the title “acupuncturist” must either have their registration endorsed for acupuncture by the Medical Board of Australia or be registered by the Chinese Medicine Board of Australia.

The Board has developed the attached draft registration standard relevant to the endorsement of registration for acupuncture for medical practitioners. It provides for endorsement of registration for practitioners who have an approved qualification and it also provides a mechanism to endorse the registration of practitioners who have been performing acupuncture recently and who have been undertaking relevant continuing professional development.

Attachment A is also a background paper on endorsement for acupuncture. The background paper will not be a part of the registration standard and will therefore not be submitted when finalised to the Ministerial Council for approval. It has been developed to address some of the questions that are likely to arise in relation to endorsement for acupuncture. The background paper will be amended to reflect any changes made to the registration standard. While the Board is not consulting on the background paper, stakeholders are welcome to provide comments if they wish.

#### Submissions

Section 38 of the National Law empowers the Board to develop registration standards for the profession. Section 40 of the National Law requires the Board to ensure that there is wide-ranging consultation about any registration standard that the Board develops.

The Board is now seeking feedback on this draft registration standard and is interested in comments from a wide range of stakeholders.

Please provide written submissions by email, marked “Consultation – endorsement for acupuncture” to [medboardconsultation@ahpra.gov.au](mailto:medboardconsultation@ahpra.gov.au) by close of business on **14 May 2012**. Submissions by post should be addressed to the Executive Officer, Medical, AHPRA, GPO Box 9958, Melbourne 3001.

The Board publishes submissions on its website to encourage discussion and inform the community and stakeholders. We will not place on our website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the reference. Before publication, we may remove personally identifying information from submissions.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.

The Board also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

## Draft registration standard

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### Endorsement of registration for acupuncture for registered medical practitioners

Date released for consultation: 22 March 2012

#### Authority

This standard will be submitted for approval by the Australian Health Workforce Ministerial Council pursuant to the Health Practitioner Regulation National Law Act (National Law) as in force in each state and territory with approval taking effect from the date that the registration standard is published on the Medical Board of Australia's website after it is approved.

#### Summary

Medical practitioners who wish to use the title "acupuncturist" must either have their registration endorsed for acupuncture by the Medical Board of Australia or be registered by the Chinese Medicine Board of Australia.

Medical practitioners with general and/or specialist registration can apply for endorsement of registration for acupuncture if:

1. they hold an approved qualification in acupuncture
2. they do not have an approved qualification but have general and/or specialist registration and:
  - a. have been accredited by the Joint Consultative Committee on Medical Acupuncture for acupuncture prior to 30 June 2012 and have complied with the continuing professional development requirements for medical acupuncture for the previous triennium and/or
  - b. have been practising acupuncture in the 24 months from 1 July 2010 to 30 June 2012, as evidenced by a minimum of 25 relevant Medicare claims in that period and have undertaken relevant CPD in acupuncture over that period of time.

Medical practitioners whose registration is endorsed for acupuncture must comply with the Board's registration standard for recency and must undertake relevant continuing professional development.

#### Scope of application

This standard applies to medical practitioners who have general and/or specialist registration who apply for endorsement of registration for acupuncture.

Medical practitioners who are undertaking a course of study leading to an approved qualification for the endorsement of registration for acupuncture cannot have their registration endorsed as they do not have an approved qualification.

Medical practitioners with limited registration, non-practising registration or provisional registration are not eligible to apply for endorsement of registration for acupuncture.

Medical students are not eligible to apply to the Board for endorsement of registration for acupuncture.

## Requirements

### All applicants

Endorsement of registration for acupuncture can only be granted to a registered medical practitioner with general and/or specialist registration.

It is usual for medical practitioners to apply for endorsement of registration for acupuncture after being granted general and/or specialist registration. However, applicants can apply for endorsement of registration for acupuncture at the same time that they apply for general and/or specialist registration. Endorsement of registration can only be granted if general and/or specialist registration is granted.

### Medical practitioners with approved qualifications for acupuncture

Medical practitioners with approved qualifications for acupuncture are required to submit:

1. Evidence of having been awarded the approved qualifications for acupuncture
2. Evidence of work practice history that meets the Medical Board of Australia's recency of practice registration standard, specifically in relation to the practice of acupuncture.

Note: A person who has been awarded the approved qualifications for acupuncture in the past 12 months prior to applying for endorsement of registration is taken to have complied with the Board's recency of practice registration standard.

### Medical practitioners who were practising acupuncture before 1 July 2012 and who do not have approved qualifications for acupuncture

Arrangements have been made for the endorsement of registration for acupuncture for medical practitioners who do not have an approved qualification for acupuncture, but who were practising acupuncture before 1 July 2012, in the circumstances defined in this standard.

The practitioners described below can apply for endorsement for acupuncture up to 30 June 2015. Medical practitioners who apply for endorsement for registration after 1 July 2015 must have an approved qualification.

The Medical Board of Australia considers that medical practitioners who have been practising acupuncture up to 30 June 2012, who have been undertaking relevant CPD and who are qualified for general and/or specialist registration to have a qualification that is substantially equivalent to, or based on similar competencies, to the approved qualification.

Medical practitioners in the following circumstances are eligible to apply for endorsement of registration for acupuncture:

1. Medical practitioners with general and/or specialist registration who provide the following written confirmation from the Joint Consultative Committee on Medical Acupuncture:
  - a. If application is made before 30 June 2012 - that they are currently accredited by the Joint Consultative Committee on Medical Acupuncture and they have fulfilled the continuing professional development requirements for medical acupuncture for the previous triennium
  - b. If application is made after 1 July 2012 - that they were accredited by the Joint Consultative Committee on Medical Acupuncture as at 30 June 2012 and they have fulfilled the continuing professional development requirements for medical acupuncture for the previous triennium
2. Medical practitioners with general and/or specialist registration who have claimed 25 or more acupuncture-related Medicare item numbers in the period 1 July 2010 to 30 June 2012 must provide written confirmation of these claims and provide permission for the Board to

communicate with Medicare to confirm this information and provide evidence of having undertaken relevant CPD in that period of time.

### **Continuing professional development**

Medical practitioners must comply with the approved registration standard for continuing professional development (CPD). Medical practitioners whose registration is endorsed for acupuncture are required to undertake CPD specifically in acupuncture.

Medical practitioners who are on the Specialists Register and who are endorsed for acupuncture are required to comply with the CPD requirements of their specialist college. If possible, practitioners should include CPD activities related to acupuncture within their college program. If this is not available, they should undertake a minimum of 10 hours per year additional self-directed CPD that is relevant to acupuncture. Alternatively, they can complete another AMC accredited specialist college's CPD requirements for acupuncture.

Medical Practitioners who are not on the specialist register must either:

- undertake at least 20% of their CPD in acupuncture. For practitioners undertaking self-directed CPD, this equates to 10 hours per year or
- complete a specialist college CPD requirements for acupuncture.

### **Renewal of endorsement for acupuncture**

An application for renewal of registration will be taken to also be an application for a renewal of the endorsement.

### **Definition**

Acupuncture related Medicare item numbers refer to item numbers 173, 193, 195, 197 or 199.



## Background paper

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22 March 2012

### Endorsement for acupuncture for registered medical practitioners

#### Background

##### What is an endorsement?

Under the National Law, National Boards can 'endorse' the registration of suitably qualified practitioners. An endorsement of registration recognises that a person has additional qualifications and expertise in an approved area of practice and / or for scheduled medicines.

There are a number of different types of endorsement available under the National Law. These are:

- Endorsement for acupuncture. This can apply to all professions although only the Medical, Dental, Physiotherapy, Osteopathy, Chiropractic and Podiatry Boards have indicated that they intend to endorse practitioners for acupuncture at this time
- Endorsement for scheduled medicines. This currently applies to the nursing and midwifery, optometry and podiatry professions
- Endorsement as a nurse practitioner. This applies to Division 1 registered nurses
- Endorsement as a midwife practitioner. This applies to midwives
- Endorsement for approved area of practice. Nine approved areas of practice have been approved in psychology and one area of practice has been approved for dental.

##### The National Law in relation to acupuncture

The National Law provides for the endorsement for acupuncture for all health practitioners. Section 97 of the National Law states:

- (1) A National Board may endorse the registration of a registered health practitioner registered by the Board as being qualified to practise as an acupuncturist if the practitioner—
  1. holds either of the following qualifications relevant to the endorsement—
    - (i) an approved qualification;
    - (ii) another qualification that, in the Board's opinion, is substantially equivalent to, or based on similar competencies to, an approved qualification; and
  2. complies with an approved registration standard relevant to the endorsement.
- (2) An endorsement under subsection (1) must state—
  - (a) that the registered health practitioner is entitled to use the title "acupuncturist"; and
  - (b) any conditions applicable to the practice of acupuncture by the registered health practitioner.

Other than in Victoria, the offences in relation to the title “acupuncturist” do not come into force until 1 July 2012.

In Victoria at the present time a person must not take or use the title acupuncturist, or claim to have or hold himself or herself out as having a particular type of registration (being acupuncturist) with the intention of inducing a belief that the person is registered or endorsed as an acupuncturist unless their registration is endorsed for acupuncture or they are registered by the Chinese Medicine Registration Board of Victoria.

### **Offences related to acupuncture**

The offences in the National Law that relate to acupuncture are around the use of the title “acupuncturist”. The title “acupuncturist” is protected under the National Law and can only be used by:

- persons registered by the Chinese Medicine Board of Australia or
- persons whose registration is endorsed by a National Board as being qualified to practise as an acupuncturist.

It should be noted that the practice of acupuncture is not in itself a protected practice.

### **Who needs to be endorsed for acupuncture?**

Anyone who wishes to use the title “acupuncturist” must have their registration endorsed for acupuncture or be registered by the Chinese Medicine Board of Australia.

Unless a practitioner wishes to use the title “acupuncturist”, it is not necessary to be endorsed for acupuncture even if they perform acupuncture.

Medical practitioners who are enrolled in an approved course of study that leads to a qualification for endorsement for acupuncture are not committing an offence by not having their registration endorsed as long as they are not using the title “acupuncturist”.

### **Approved qualifications**

#### **Currently approved qualifications**

The qualifications for endorsement for acupuncture are approved by virtue of the transitional arrangements under the National Law. They are:

1. The Graduate Certificate in Medical Acupuncture (Monash University)
2. The Australian Medical Acupuncture College course (AMAC) - AMAC-QLD and AMAC-NSW combined course

Eligible practitioners (with either qualification above) are also required to successfully complete the Fellowship of the Australian Medical Acupuncture College (FAMAC) Part 1 written and clinical examinations.

#### **Approval of qualifications into the future**

The Australian Medical Council has been appointed as the accreditation entity for the Medical Board of Australia. The AMC undertakes a range of accreditation functions under the National Law including:

- developing accreditation standards. The AMC submits the accreditation standards to the Board which decides whether or not to approve the accreditation standards.
- accrediting programs of study – if the program of study and the education provider that provides the program of study meet an approved accreditation standard
- monitoring approved programs of study.

As the appointed accreditation entity for the medical profession, the AMC will be responsible for accrediting programs of study for endorsement for acupuncture. Accreditation decisions on particular courses of study will be based on approved accreditation standards.

## Issues for the registration standard

### Grandfathering arrangements

There are medical practitioners who have been performing acupuncture as part of their practice and who do not have an approved qualification. Many of these practitioners started performing acupuncture before the approved courses were established and they wish to have their registration endorsed for acupuncture.

A mechanism needs to be approved to allow these medical practitioners who have been practising acupuncture safely to continue to do so without being concerned that they may be committing an offence under the National Law.

The following grandfathering arrangement is proposed:

Registered medical practitioners with general and/or specialist registration can apply for endorsement for acupuncture if:

1. they have had a minimum of 25 Medicare claims for items 173, 193, 195, 197 or 199 (these are referred to as acupuncture-related item numbers in the registration standard) in the period between 1 July 2010 to 30 June 2012 and they have undertaken relevant CPD in that period **or**
2. they can provide confirmation from the Joint Consultative Committee on Medical Acupuncture that confirms that they are currently accredited by the JCCMA and they have fulfilled the continuing professional development requirements for medical acupuncture for the previous CPD triennium.

Applications based on these grandfathering arrangements will be open until 30 June 2015. Applications made after 1 July 2015 will only be approved if the applicant has an approved qualification.

The Medical Board of Australia considers that medical practitioners who have been practising acupuncture up to 30 June 2012 and who are qualified for general and/or specialist registration to have a qualification that is substantially equivalent to, or based on similar competencies, to the approved qualification.

Medical practitioners with student registration, non-practising registration, provisional registration or limited registration are not eligible to apply for endorsement for acupuncture.

### Recency of practice issues

The Board requires practitioners to comply with the approved registration standard for recency of practice. Practitioners who are endorsed for acupuncture must have recency of practice as per the registration standard.

### Continuing professional development

Medical practitioners must comply with the approved registration standard for continuing professional development (CPD). Medical practitioners whose registration is endorsed for acupuncture are required to undertake CPD specifically in acupuncture.

Medical practitioners who are on the Specialists Register and who are endorsed for acupuncture are required to comply with the CPD requirements of their specialist college. If possible, practitioners should include CPD activities related to acupuncture within their college program. If this is not available, they should undertake a minimum of 10 hours per year additional self-directed CPD that is relevant to acupuncture. Alternatively, they can complete another AMC accredited specialist college's CPD requirements for acupuncture.



Medical practitioners who are not on the specialist register must either:

- undertake at least 20% of their CPD in acupuncture. For practitioners undertaking self-directed CPD, this equates to 10 hours per year or
- complete a specialist college CPD requirements for acupuncture.

#### **Endorsement for acupuncture and entitlement to Medicare item numbers**

Anyone wishing to claim acupuncture-related Medicare Items should contact Medicare directly if they have any inquiries. The Board does not have a role in determining who is and who is not eligible for Medicare item numbers.